

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JONATHAN V. NEELY

Case No. C-3:12-cv-187

Petitioner,

-v-

**Judge Thomas M. Rose
Magistrate Judge Michael R. Merz**

**WARDEN, London Correctional
Institution**

Respondent.

**ENTRY AND ORDER OVERRULING NEELY'S OBJECTIONS (Doc. #4)
TO THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATIONS; ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATIONS (Doc. #3) IN ITS ENTIRETY;
DISMISSING NEELY'S PETITION FOR A WRIT OF HABEAS CORPUS
WITH PREJUDICE; DENYING ANY REQUESTED CERTIFICATE OF
APPEALABILITY; AND TERMINATING THIS CASE**

This matter comes before the Court pursuant to pro se Petitioner Jonathan V. Neely's ("Neely's") Objections (doc. #4) to Magistrate Judge Michael R. Merz's Report and Recommendations (doc. #3). Upon review, as required by Rule 4 of the Rules Governing § 2254 cases, the Magistrate Judge recommends that Neely's Petition for a Writ of Habeas Corpus be dismissed with prejudice because it plainly appears from the Petition and any attached exhibits that Neely is not entitled to relief in this Court.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Neely's Objections to the Magistrate Judge's Report and Recommendations are not well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and Recommendations is adopted in its entirety.

Neely's Petition for a Writ of Habeas Corpus is given preliminary consideration as required by Rule 4 of the Rules Governing § 2254 Cases. Pursuant to this consideration, Neely's Petition must be dismissed with prejudice because it plainly appears from the Petition and any attached exhibits that Neely is not entitled to relief in this Court.

Further, because reasonable jurists would not disagree with this conclusion, any appeal would be objectively frivolous. Thus, Neely is denied any requested certificate of appealability. Finally, the captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Seventeenth Day of July, 2012.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Jonathan V. Neely at his last address of record